

MSD Prevention in the Workplace

December 15, 1999

Public hearings in seven cities set for January 2000

Mark your 2000 calendar before the holidays begin. Public hearings on Washington state's proposed ergonomics rule take place soon after the new year – Jan. 5-14 – in seven cities across the state. (See schedule below.)

The Department of Labor and Industries filed the proposed rule with the Washington State Code Reviser's Office on Nov. 15 and sent information about the proposed rule to more than 10,000 interested parties. If you did not receive a copy of the proposed rule and you want to testify at a public hearing, please view the proposed rule on L&I's web site at /wisha or request a copy by calling 360-902-5523.

"Public hearings are an important part of the rule-making process and help improve rule proposals," said Michael Silverstein, L&I's assistant director for workplace safety and health. "We want to hear what people think about specific features of the ergonomics proposal and what they see are the strengths and weaknesses."

Public comment on the following specific points would be especially helpful:

- Are the exposure levels for the "specific performance approach" (Appendix B) appropriate?
- Does the wording of the proposal clearly tell employers who have existing ergonomics activities whether they comply with the rule?
- Should the rule require written documentation?
- Should the rule require greater employee participation, such as employees selecting or electing their own representatives?
- Do these terms need to be described more fully in the rule – reasonable determination, typical work, widely accepted nationally recognized criteria? If so, how?
- Should the concept of feasibility be more fully developed in the rule? If so, what should be said?
- Should the 12 industry sectors with the highest risk of WMSDs be required to comply with the rule before other employers? If not, what alternative would be better?
- As proposed, the rule requires employers to identify and reduce WMSD hazards. What, if anything, should the rule say about WMSDs if they develop among workers whose exposure to hazards had been reduced to comply with the rule?
- As proposed, the rule "phases in" over a period of six years. Is this timetable appropriate?

Public hearings at 1 p.m. and 6 p.m. on each day listed

Jan. 5 Seattle Washington State Convention Center, Room 618-620, 8th & Pike

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Jan. 6	Everett	Howard Johnson Plaza Hotel, Orcas Room, 3105 Pine St.
Jan. 10	Tacoma	Tacoma Public Library, Olympic Room, 1102 Tacoma Ave. S.
Jan. 11	Vancouver	Red Lion Hotel at the Quay, Centennial Center, 100 Columbia St.
Jan. 12	Spokane	Cavanaugh's Inn at the Park, Skyline Room, 303 W. North River Dr.
Jan. 13	Yakima	Cavanaugh's at Yakima Center, Ball Room, 607 E. Yakima Ave.
Jan. 14	Tumwater	L&I Building, Room S117-S118, 7273 Linderson Way SW

L&I will accept oral and written comments at the public hearings. Written comments also will be accepted until 5 p.m., Feb. 14, 2000, via mail, e-mail or fax (10 or fewer pages for faxes). Note: On January 24, L&I extended the deadline for written comments to 5 p.m., February 24, 2000. The e-mail address is ergonomics@lni.wa.gov. The fax number is 360-902-5529.

To mail comments, address correspondence to:

Department of Labor and Industries
WISHA Services Division, Standards Section
P.O. Box 44620
Olympia, WA 98504-4620

Tips for effective testimony

- Present the facts on which you base your conclusions and opinions.
- Comment on specific sections of the proposed rule. If you have ideas you think would work better, please share them along with the reasons why you recommend them.
- Feel free to provide written materials to help detail or add to oral testimony. All oral and written comments will be considered.

OSHA also publishes proposed ergonomics rule

One week after L&I filed a proposed ergonomics rule on Nov. 15, the federal Occupational Safety and Health Administration (OSHA) announced its proposed standard. OSHA's proposal does not affect Washington state's rule making because federal law allows states to adopt their own occupational safety and health rules. A Washington state ergonomics rule would need to be judged "at least as effective as" any federal OSHA ergonomics rule that is eventually adopted, but the rules do not have to be the same. Washington has several safety and health rules that are different from OSHA's.

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In Washington state, employers must comply with the state safety and health rules, not the federal rules.

New on L&I's ergonomics web site

Look at L&I's web site for news about Washington state's ergonomics rule making and general information on ergonomics. Just added: Frequently Asked Questions, Setting the Record Straight (information that clarifies misleading or inaccurate information published about ergonomics), and a fact sheet comparing the OSHA and Washington state ergonomics proposals. Visit [/wisha/ergo](http://wisha/ergo) to access this information.

Ergonomics Update: MSD Prevention in the Workplace is published periodically by the Washington State Department of Labor and Industries, WISHA Services Division, to share information about ergonomics and Washington's rule making to prevent work-related musculoskeletal disorders. Call 360-902-6515 to be added to the mailing list.